

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74095

This is to certify that: KBC FARMS LLC
 3062 S FRONTAGE RD
 AMERICAN FALLS ID 83211
 (208)226-2773

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-2274	WR/Decreed	12/16/1953	2.4 cfs	700 af	175.0	943.0	GROUND WATER
35-2432C	WR/Decreed	08/17/1955	0.93 cfs	288 af	N/A	943.0	GROUND WATER
35-7390	WR/Decreed	03/13/1974	3.72 cfs	1224 af	306.0	943.0	GROUND WATER
35-7391C	WR/Decreed	03/13/1974	0.08 cfs	34 af	N/A	943.0	GROUND WATER
35-7630	WR/Decreed	08/03/1976	4.8 cfs	1208 af	302.0	943.0	GROUND WATER
35-7863	WR/Decreed	07/12/1979	5.3 cfs	1220 af	305.0	943.0	GROUND WATER
43-13522	WR/Decreed	05/04/1978	0.83 cfs	199.5 af	49.9	553.4	GROUND WATER
43-13528	WR/Decreed	05/23/1962	0.15 cfs	71.6 af	23.9	553.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-2274	NO	NO	YES	NO	NO	NO
35-2432C	NO	NO	YES	NO	NO	NO
35-7390	NO	NO	YES	NO	NO	NO
35-7391C	NO	NO	YES	NO	NO	NO
35-7630	NO	NO	YES	NO	NO	NO
35-7863	NO	NO	YES	NO	NO	NO
43-13522	NO	YES	YES	NO	NO	NO
43-13528	NO	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 35-2274

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74095

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2274	35-2274	2.4 cfs	700 af	175.0	1,016.8		N/A	N/A	N/A	N/A
35-2432C	35-2432C	0.93 cfs	288 af	72.0	1,016.8		N/A	N/A	N/A	N/A
35-7390	35-7390	3.72 cfs	1224 af	306.0	1,016.8		N/A	N/A	N/A	N/A
35-7391C	35-7391C	0.08 cfs	34 af	72.0	1,016.8		N/A	N/A	N/A	N/A
35-7630	35-7630	4.8 cfs	1208 af	302.0	1,016.8		N/A	N/A	N/A	N/A
35-7863	35-7863	5.3 cfs	1220 af	305.0	1,016.8		N/A	N/A	N/A	N/A
43-13522	35-13905	0.83 cfs	199.5 af	49.9	1,016.8		N/A	N/A	N/A	N/A
43-13528	35-13906	0.15 cfs	71.6 af	23.9	1,016.8		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		14.04 cfs	4067.2 af	1016.8	1016.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 14th day of October, 2009

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2274
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-2274 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: December 16, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.40 CFS	700.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 29E 23	6.5			.3									5.2		11.0	37.0	60.0
08S 29E 24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S 29E 25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S 29E 26	34.0	40.0	4.6	1.0	10.0												89.6
08S 30E 30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175 acres within the place of use described above in a single irrigation season.
2. Rights 35-2274, 35-7390 and 35-7630 when combined shall not exceed a total diversion rate of 6.90 cfs, a total annual maximum diversion volume of 2264 af at the field headgate, and the irrigation of 566 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
4. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

WATER RIGHT NO. 35-2274
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau

WATER RIGHT NO. 35-2432C
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-2432C is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: August 17, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.93 CFS	288.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	6.5			.3									5.2		11.0	37.0	60.0
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S	29E	26	34.0	40.0	4.6	1.0	10.0												89.6
08S	30E	30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. Rights 35-2432C and 35-7391C when combined shall not exceed a total diversion rate of 1.01 cfs, a total annual maximum diversion volume of 288 af at the field headgate, and the irrigation of 72 acres.
2. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-2432C
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7390
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-7390 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: March 13, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.72 CFS	1,224.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 29E 23	6.5			.3									5.2		11.0	37.0	60.0
08S 29E 24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S 29E 25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S 29E 26	34.0	40.0	4.6	1.0	10.0												89.6
08S 30E 30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 306 acres within the place of use described above in a single irrigation season.
2. Rights 35-2274, 35-7390 and 35-7630 when combined shall not exceed a total diversion rate of 6.90 cfs, a total annual maximum diversion volume of 2264 af at the field headgate, and the irrigation of 566 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
4. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

WATER RIGHT NO. 35-7390
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7391C
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-7391C is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: March 13, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.08 CFS	34.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE:

<u>PLACE OF USE:</u>			<u>IRRIGATION</u>																
Twp	Rge	Sec	NE				NW				SW				SE				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08S	29E	23	6.5			.3								5.2		11.0	37.0	60.0	
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0				17.0	.2			211.2	
08S	29E	26	34.0	40.0	4.6	1.0	10.0											89.6	
08S	30E	30							30.0	32.0	32.0	30.0						124.0	

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. Rights 35-2432C and 35-7391C when combined shall not exceed a total diversion rate of 1.01 cfs, a total annual maximum diversion volume of 288 af at the field headgate, and the irrigation of 72 acres.
2. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-7391C
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7630
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-7630 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: August 03, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	4.80 CFS	1,208.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENW	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	6.5			.3									5.2		11.0	37.0	60.0
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S	29E	26	34.0	40.0	4.6	1.0	10.0												89.6
08S	30E	30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 302 acres within the place of use described above in a single irrigation season.
2. Rights 35-2274, 35-7390 and 35-7630 when combined shall not exceed a total diversion rate of 6.90 cfs, a total annual maximum diversion volume of 2264 af at the field headgate, and the irrigation of 566 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
4. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.

WATER RIGHT NO. 35-7630
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 2009

Ernest Carlson
for _____
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-7863
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-7863 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: July 12, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	5.30 CFS	1,220.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	6.5			.3									5.2		11.0	37.0	60.0
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S	29E	26	34.0	40.0	4.6	1.0	10.0												89.6
08S	30E	30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 305 acres within the place of use described above in a single irrigation season.
2. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, and 35-7863 when combined shall not exceed a total diversion rate of 13.21 cfs, a total annual maximum diversion volume of 3772 af at the field headgate, and the irrigation of 943 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-7863
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Wells drilled under the approval of Transfer 5433 shall have a solid unperforated casing extending from the surface to a minimum depth of 350 feet.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13905
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No. 35-13905 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: May 04, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	0.83 CFS	199.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENW	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	6.5			.3									5.2		11.0	37.0	60.0
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S	29E	26	34.0	40.0	4.6	1.0	10.0												89.6
08S	30E	30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 49.9 acres within the place of use described above in a single irrigation season.
2. Rights 43-13522 and 43-13528 when combined shall not exceed a total diversion rate of 0.83 cfs and the irrigation of 73.8 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-13905
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The combination of changes under:
 - Transfer approval 74093 as described under rights 35-13915 and 35-13916;
 - Transfer approval 74094 as described under rights 35-13703, 35-13897 and 35-13898;
 - Transfer approval 74095 as described under rights 35-13905 and 35-13906;
 - Transfer approval 74096 as described under rights 35-13899 and 35-13900;
 - Transfer approval 74396 as described under rights 45-14102 and 45-14103;
 - Transfer approval 74719 as described under rights 45-14250 and 45-14251; and
 - Transfer approval 74781 as described under rights 45-14252, 45-14253, 45-14254, 45-14255, 45-14256, 45-14257, and 45-14258provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
9. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-13905
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

for Ernest Carlson
Chief, Water Allocation Bureau

WATER RIGHT NO. 35-13906
As Modified by Transfer No. 74095

In accordance with the approval of Transfer No. 74095, Water Right No 35-13906 is now described as follows.

Right Holder: K B C FARMS
 3064 S FRONTAGE RD
 AMERICAN FALLS ID 83211

Priority Date: May 23, 1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.15 CFS	71.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 24 Twp 08S	Rge 29E	POWER County
GROUND WATER	SENE	Sec. 24 Twp 08S	Rge 29E	POWER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	29E	23	6.5			.3									5.2		11.0	37.0	60.0
08S	29E	24	27.0	35.0	39.0	34.0	38.0	38.0	29.0	32.0	40.0	35.0	28.0	32.0	25.0	33.0	40.0	27.0	532.0
08S	29E	25	37.0	27.0	20.0	39.0	36.0	24.0		11.0					17.0	.2			211.2
08S	29E	26	34.0	40.0	4.6	1.0	10.0												89.6
08S	30E	30							30.0	32.0	32.0	30.0							124.0

Total Acres: 1016.8

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 23.9 acres within the place of use described above in a single irrigation season.
2. Rights 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 0.83 cfs and the irrigation of 73.8 acres.
3. Rights 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906 when combined shall not exceed a total diversion rate of 14.04 cfs, a total annual maximum diversion volume of 4067.2 af at the field headgate, and the irrigation of 1016.8 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

WATER RIGHT NO. 35-13906
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 74095, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. The combination of changes under:
Transfer approval 74093 as described under rights 35-13915 and 35-13916;
Transfer approval 74094 as described under rights 35-13703, 35-13897 and 35-13898;
Transfer approval 74095 as described under rights 35-13905 and 35-13906;
Transfer approval 74096 as described under rights 35-13899 and 35-13900;
Transfer approval 74396 as described under rights 45-14102 and 45-14103;
Transfer approval 74719 as described under rights 45-14250 and 45-14251; and
Transfer approval 74781 as described under rights 45-14252, 45-14253, 45-14254, 45-14255, 45-14256, 45-14257, and 45-14258
provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through point(s) of diversion described above: 35-2274, 35-2432C, 35-7390, 35-7391C, 35-7630, 35-7863, 35-13905 and 35-13906.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-13906
As Modified by Transfer No. 74095

CONDITIONS OF APPROVAL

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 14th day of October, 20 09

Ernest Carlson
for Chief, Water Allocation Bureau